

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Cause No. 1:04-cr-0016-SEB-MJD
)	
CHRISTOPHER M. YORK,)	- 01
)	
Defendant.)	

REPORT AND RECOMMENDATION

On March 2, 2022, the Court held an initial appearance on the Petition for Warrant or Summons for Offender Under Supervision filed on January 14, 2022. Defendant York appeared in person with his appointed counsel Leslie Wine. The government appeared by Kristina Korobov, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Tasha Taylor.

On March 9, 2022, the Court held the preliminary and revocation on the Petition for Warrant or Summons for Offender Under Supervision filed on January 14, 2022. Defendant York appeared in person with his appointed counsel Michael Donahoe. The government appeared by Kristina Korobov, Assistant United States Attorney. U. S. Parole and Probation appeared by Officer Brent Witter.

The Court conducted the following procedures in accordance with Fed. R. Crim. P. 32.1(a)(1) and 18 U.S.C. § 3583:

1. The Court advised Defendant York of his rights and provided him with a copy of the petition. Defendant York orally waived his right to a preliminary hearing.

2. After being placed under oath, Defendant York admitted violation numbers 1, 2, 3, 4, 5, and 6. [Docket No. 28.]

3. The allegations to which Defendant admitted, as fully set forth in the petition, are:

**Violation
Number**

Nature of Noncompliance

1

“You must not commit another federal, state or local crime.”

On January 5, 2022, Mr. York was arrested and charged with Possession of Methamphetamine (Felony), in the Henry County, Indiana, Circuit Court under Case Number: 33C02-2201-F6-000006. This matter remains pending.

According to the Probable Cause Affidavit, on January 5, 2022, Mr. York was a passenger in a vehicle that was pulled over by the Henry County Sheriff's Office. When Mr. York was asked to exit the vehicle, a crystal-like substance was observed by deputies where he was sitting. The substance was tested and returned positive for Methamphetamine with a weight of 1.38 grams.

2

“You must not commit another federal, state or local crime.”

On January 11, 2022, Mr. York was arrested and charged with Count 1, Possession of Methamphetamine (Felony), and Count 2, Unlawful Possession of a Syringe (Felony), in the Henry County, Indiana Circuit Court under Case Number: 33C02-2201-F6-000018. This matter remains pending.

According to the Probable Cause Affidavit, on January 11, 2022, law enforcement officers observed Mr. York and an accomplice carrying wooden antiques from a building and loading the items into a red Chevrolet Blazer. Law enforcement followed the vehicle to 712 N. 27th Street, New Castle, Indiana, and initiated a traffic stop to investigate if any of the items were stolen. Mr. York and his conspirator were ordered out of the vehicle and detained. Laying on the dash in plain view was a black digital scale; as well as, a hypodermic needle cap laying on the floor. As law enforcement believed drug activity was present in the vehicle, a K-9 was deployed to conduct a free air sniff around the exterior of the vehicle. The K-9 alerted and law enforcement located a small clear baggy containing a crystal-like substance that field tested positive for methamphetamine. Two hypodermic needles were also located with the baggy all inside the center console of the vehicle.

3 **“You must refrain from any unlawful use of a controlled substance.”**

On January 3, 2022, Mr. York submitted a urine sample that returned positive for amphetamines.

As previously reported to the Court:

On October, 13, 2021, Mr. York submitted a urine sample that returned positive for amphetamines, cannabinoids and cocaine. When confronted, he admitted to the unlawful possession and use of methamphetamine and marijuana. He denied knowingly ingesting cocaine, but did not deny the results of the drug test.

On November 2, 2021, Mr. York submitted a urine sample that returned positive for amphetamines and cannabinoids. Prior to the collection of the drug test, he admitted to unlawfully possessing and using methamphetamine and marijuana on or about October 31, 2021.

4 **“You shall maintain lawful full time employment, unless excused by the probation officer for schooling, vocational training, or other reasons that prevent lawful employment.”**

To date, Mr. York has failed to show proof of employment.

5 **“You shall report to the probation officer in a manner and frequency directed by the court or probation officer.”**

Mr. York failed to report to the probation officer as instructed on January 7, 2022; January 3, 2022; December 10, 2021; and, November 18, 2021.

6 **“You shall notify the probation officer within 72 hours of being arrested, charged, or questioned by a law enforcement officer.”**

Mr. York failed to notify the probation officer of his contact with law enforcement and arrest on January 5, 2022.

4. The parties stipulated that:

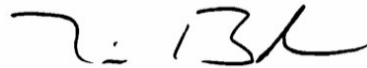
- (a) The highest grade of violation is a Grade B violation.
- (b) Defendant’s criminal history category is VI.
- (c) The range of imprisonment applicable upon revocation of supervised release, therefore, is 21 to 27 months’ imprisonment.

5. The government recommended a sentence of twenty-four (24) months with no supervised release. Defendant's counsel argued for release with drug treatment.

The Magistrate Judge, having considered the factors in 18 U.S.C. § 3553(a), and as more fully set forth on the record, finds that the Defendant violated the conditions in the petition, that his supervised release should be revoked, and that he should be sentenced to the custody of the Attorney General or his designee for a period of twenty-two (22) months with no supervised release to follow. This sentence is to be served concurrently to supervised release violation sentence issued under 1:21-cr-0363-SEB-MJD-1. The Defendant is to be taken into custody immediately pending the District Judge's action on this Report and Recommendation.

The parties are hereby notified that the District Judge may reconsider any matter assigned to a Magistrate Judge. The parties have fourteen days after being served a copy of this Report and Recommendation to serve and file written objections with the District Judge.

Date: 3/14/2022



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

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